



Committee and date

Central Planning Committee

29 May 2014

Item

**11**

Public

## Development Management Report

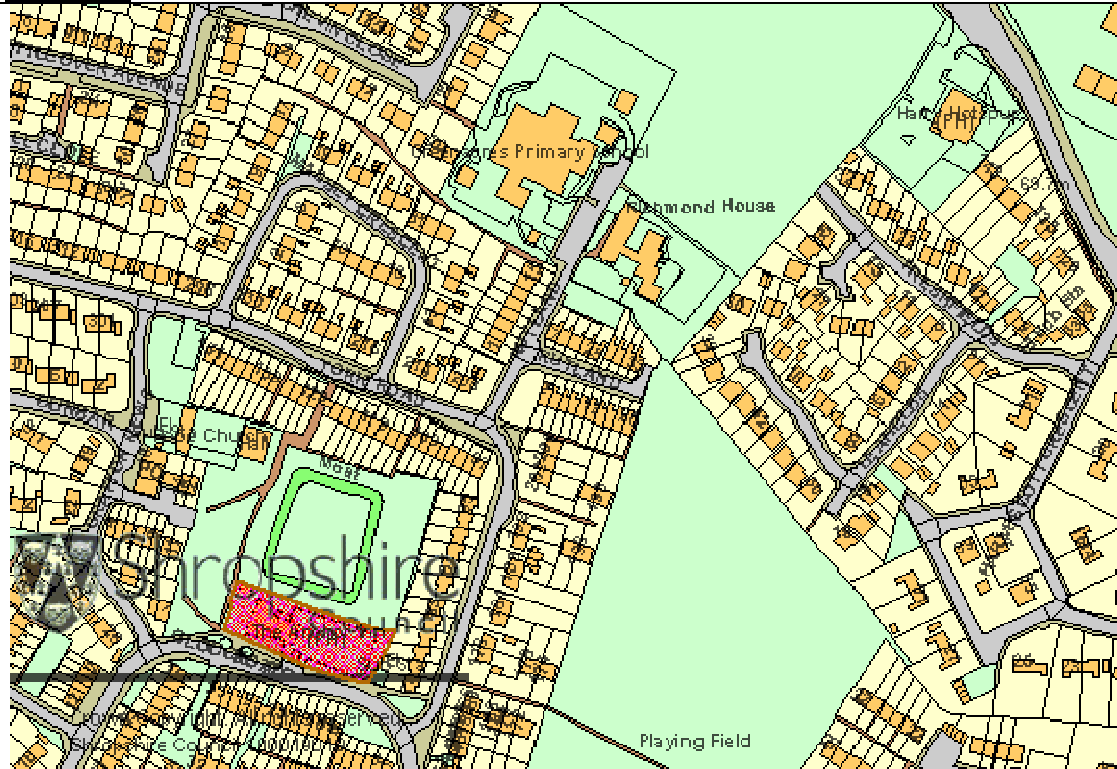
Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 14/00899/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Erection of six houses and one 3-storey apartment block consisting of nine apartments; formation of vehicular access; demolition of existing public house		
<b>Site Address:</b> The Anchor Inn Gloucester Road Shrewsbury Shropshire SY1 3PR		
<b>Applicant:</b> The Wrekin Housing Trust		
<b>Case Officer:</b> Andrew Gittins	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 350111 - 315975



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application is for the erection of six houses and one 3-storey apartment block consisting of nine apartments; formation of vehicular access; demolition of existing public house. The scheme would provide 6, two-bed, two-storey dwellings and 9, two-bed, three –storey apartments, all of which would be secured as socially rented affordable units through conditions.
- 1.2 The proposal was subject to a pre-application enquiry reference PREAPP-13/00445 in which officers set out the policy context and the requirements of any subsequent applications.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Anchor Inn is a public house located on Gloucester Road, in the Harlescott area to the north of Shrewsbury. The pub was constructed in 1962 and is of a traditional brick and tile construction. The pub is located to the south of a Scheduled Ancient Monument set within the Gloucester Road recreational area. The pub benefits from a car park to the east accessed off Gloucester road to the south.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is presented to Members at Committee as Shrewsbury Town Council have submitted a view contrary to officers recommendation for approval based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and vice chairman and the Local Member agrees that the Town Council has raised material planning issues and that the application should be determined by committee.

### 4.0 Community Representations

#### 4.1 Consultee Comments

- 4.1.1 **Shrewsbury Town Council:** Members did not object to the whole development but just the three storey elements which they felt were inappropriate for the historical setting of the site. They would prefer to see two storey dwellings across the site instead.
- 4.1.2 **English Heritage:** Due to its proximity to the Scheduled Ancient Monument it is likely that archaeological deposits may survive within the development site. Shropshire Council's archaeological adviser should be consulted on the proposed development, as there may be a need to undertake pre- or post-determination archaeological works. All external details, materials and finishes should be approved by the Council's conservation advisers, since good quality design has the potential to improve the setting of the Scheduled Ancient Monument, which is valued as an open green space in the area. Boundary treatments should be as

permeable as possible so as to not create a substantial artificial boundary to the monument.

#### Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

#### 4.1.3 **SC Archaeology:** Background to Recommendation:

The proposed development site is located immediately south of the Scheduled Monument of Harlescott Grange moated site (National Heritage List Ref. 1019297). The Heritage Assessment indicates that by the mid-19th century the development site itself was occupied by Harlescott House, which stood on the site of the current public house until the late 1950s/ early 1960s. The gardens for this property lay to the east of the house, on the site of the current carpark. Harlescott House appears to have been demolished when the Harlescott Grange Estate was built by Shropshire County Council in the late 1950s, as part of which the moat was also landscaped and the moat arms partially infilled. The Anchor Inn was subsequently built in the 1970s. Whilst the area within the footprint of the current public house will therefore be heavily disturbed, the Assessment indicates that, prior to the construction of the carpark, the eastern part of the proposed development site had remained undeveloped since the end of the medieval period. As a consequence archaeological features and deposits associated with the moated site may survive in good condition beneath it, and the proposed development site is therefore deemed to have high archaeological potential.

#### RECOMMENDATION:

A Heritage Assessment by Castlering Archaeology has been submitted as part of the application. I confirm that this provides a satisfactory level of information about the archaeological interest of the site in relation to Paragraph 128 of the NPPF.

The Assessment states that it has followed English Heritage's guidance on the 'Setting of Heritage Assets' (2011). It concludes that 'The moat no longer stands within an agricultural landscape and the setting of the Scheduled Monument has been seriously compromised by the construction of the surrounding housing estate'. Following pre-application discussions with both the Shropshire Environment Historic Environment Team and English Heritage, it also indicates that the proposed development has been designed to limit any additional impacts; with Block 1 located on the site of the existing public house and Block 2 positioned so that the gardens to the rear provide a buffer against the monument. Consequently, English Heritage has not raised any objections to the proposals in their consultation response of 18 March 2014. I note also the Town Council's comments concerning a reduction in the height of Block 1, although I am not of the opinion that this would deliver any significant additional benefits in terms of the setting of the Scheduled Monument.

In terms of English Heritage's comments regarding external details, materials, and boundary treatments, I recommend that the standard conditions listed below are included on any planning permission.

In relation to the recommendations contained in the Assessment regarding the archaeological interest of the proposed development site, and in line with Paragraph 141 of the NPPF, I recommend that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise an initial archaeological field evaluation of the proposed development site, followed by further mitigation measures as necessary. An appropriate condition is advised.

Standard Conditions: C1, C2, C3 & D1

- 4.1.3 SC Conservation:** I have provided comments on this proposal previously (see below) and I have no further comments to make on this application. My colleague in the Archaeology side of our Team will be providing specific comments and recommended conditions on this proposal in addition to the comments already provided by English Heritage.

**Additional comments provided by email:** The scheme provides an appropriate buffer between the proposed buildings and the SAM to the rear. The scheme includes suitable gaps between the buildings so as not to constrain or restrict views of the SAM. Both English Heritage and the Council's Archaeologist has been consulted on the application who will provide further comments in respect of the impact on the context and setting of the SAM. Generally the design and scale is in keeping with the surrounding built form and there is no objection from a conservation and design perspective.

**Comments referred to above made at pre-application stage of development:**

**Background to Recommendation:**

According to our circa 1900 Ordnance Survey mapping layer, the subject property was occupied by Harlescott House, with a fairly extensive range of traditional outbuildings located some distance to the north-west of this dwelling, outside of the current site area. Our records do not indicate whether any of this earlier (19<sup>th</sup> Century at least) dwelling forms part of the current Anchor Inn – this would be useful information to have from the applicant. All of these buildings were sited just outside the perimeter of the Scheduled Monument which is directly north of the Anchor Inn, and which makes this site particularly sensitive in terms of redevelopment. Comments in that regard were submitted previously from both English Heritage and the Archaeology side of our Team.

**Principles of Scheme:**

In terms of the historic environment, the proposal needs to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including the Historic Environment Planning Practice Guide published by English Heritage and the National Planning Policy Framework.

The scheme has been revised and generally improved from a site layout perspective with the provision of additional amenity space along with a reduced building footprint. Details in terms of building height, elevational design, materials and finishes will need to be provided to ensure the setting of the Scheduled Monument is improved through this proposal. Our Archaeology Team should again be consulted at this pre-application stage in terms of any further concerns they may have with the proposed site layout out and the provision of an adequate buffer between the Scheduled Monument and the redeveloped area.

#### RECOMMENDATION:

No objection in principle to the redevelopment of this site however assessment of a full set of plans with details will be required at the full application stage to determine whether the overall proposal and this number of dwelling units will have a negative impact on the adjacent Scheduled Monument, with the aim being that the redevelopment should enhance and improve the setting of this feature.

- 4.1.4 SC Trees:** A precautionary TPO has been put on tree no.s T6 T7 T8. I have no objection in principle however would request that the suggested conditions requiring an arboricultural method statement and tree protection are imposed.
- 4.1.5 SC Ecology:** I have read the above application and the supporting documents including the Extended Phase 1 Habitat Survey and Arboricultural Assessment by REC dated December 2013; conditions and informative(s) are recommended on bats and birds as set out.

#### Bats

REC (2013) consider that The Anchor Inn provided no opportunities for bats to roost as the structure is in good condition. One cedar tree on the site (T6) has some potential to support bat roosts as well as 8 trees outside the site boundary. If any of these trees will require removal REC (2013) recommend that they are removed under 'risk avoidance measures' such as a soft-fell approach.

The trees on and around the site are likely to be used for bat foraging and commuting. A condition on lighting is recommended to avoid affecting bat behaviour.

#### Nesting birds

The trees on and around the site are likely to be used by nesting birds and a condition is suggested.

- 4.1.6 SC Drainage:** No objection as the drainage details, plan and calculations could be conditioned if planning permission is to be granted.
- 4.1.7 SC Affordable Housing:** This is an exception site of 15 affordable homes. As there is a large number of people on the housing register requiring 2 bedrooomed properties in Shrewsbury we are happy with the proposals.

#### **4.1.8 SC Highways: Recommendation:-**

The highway authority raises no objections to the granting of consent subject to the attachment of a condition and informative.

Key Issues:-

Access to the highway:

The scheme uses the existing access to the former public house to serve the proposed apartment block and individual accesses directly onto Gloucester Road for the six proposed houses. I consider the layout detailed on the submitted drawing for this to be satisfactory.

Background:-

No additional comment.

#### **4.2 Public Comments**

**4.2.1** Five letters from four separate households received objecting to the proposal on the following grounds:

- Request for Committee Members to conduct site visit as the pub was only refurbished 3 years ago and the current tenants state that it is still a viable concern.
- Principle of demolishing a family friendly pub is unacceptable, as the building is a community facility, uniting young and old and providing a facility for football, pool and dart teams.
- Proposed dwellings could cause a lot more anti social behaviour.

A petition has also been received which includes approximately 220 signatures objecting to the proposal.

#### **5.0 THE MAIN ISSUES**

**Principle of development**  
**Impact on historic and built environment**  
**Impact on natural environment**  
**Impact on residential amenity**  
**Surface water drainage**  
**Access and parking**

#### **6.0 OFFICER APPRAISAL**

##### **6.1 Principle of development**

**6.1.1** The site is situated within the current urban development boundary for Shrewsbury and the provision of housing within the urban area accords with policy CS1 and CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire.

**6.1.2** The main issue that arises in considering an application for the demolition of a public house to create residential dwellings is whether the planning system should prevent the permanent loss of a community facility.

**6.1.3** The National Planning Policy Framework (NPPF) sets out the Government's Planning policies and how these are expected to be applied. In trying to achieve sustainable development, the planning system has a social role -

*“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being”.*

**6.1.4** The NPPF seeks to promote healthy communities by delivering social, recreational and cultural facilities and services to meet the needs of the community. Planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs (para. 70).

**6.1.5** In paragraph 51 of the NPPF, local planning authorities are required to identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. Authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

**6.1.6** The important contribution of facilities and services to social and economic vitality is recognised at a local level in Core Strategy policies CS6 Sustainable Design and Development Principles and CS8: Facilities, Services and Infrastructure Provision. These policies recognise that facilities and services, including pubs, have a direct effect on the quality of life of Shropshire's residents. Proposals that would result in the loss of a service or facility should be resisted unless it can be clearly demonstrated that the service or facility is not viable over the long term.

**6.1.7** In policy terms there is a general presumption against the loss of public houses as granting consent for the demolition and replacement with affordable housing would permanently remove this community asset. The viability of the facility and the contribution it makes to social sustainability needs to be explored further before considering the demolition and replacement with affordable housing. It is acknowledged that pubs face a number of issues with regard to their continued operation; drink drive legislation, the smoking ban, increasing duty on alcohol sales and the easy availability of low price alcohol from high street stores and supermarkets, along with social change and economic hardship meaning a general reduction in disposable income. However, the planning process offers the only publicly accessible forum for debate about the future of individual public houses. Whilst it is not feasible for every pub to be retained, it is important to ensure that an assessment of the viability of the business is undertaken, and that only if the business is shown to be unviable should an application for change of use be granted.

**6.1.8** CAMRA (Campaign For Real Ale) have produced a useful Public House Viability Test to assist Local Planning Authorities in assessing continuing viability of a pub business. The guide acknowledges that viability is not the only factor to be considered and whilst a material consideration is not a development plan policy. The Viability Test does not seek to protect the continued existence of each and every pub in the land. Times and circumstances do change and some pubs will find themselves struggling to continue as a going concern. However, any arguments put forward to that effect must be exposed to reasonable analysis so that they may be properly understood and, where appropriate, assessed and questioned by those concerned. The guide acknowledges that the Test is easier to apply in rural than urban areas; however the same principles of maintaining a range and choice of community facilities is still applicable in towns and cities. The test suggests that the following are considered:

### **Assessment of Trade Potential**

- 1) **Local Trade** – Pub location, catchment area, number of adults in one mile radius, proposed nearby developments, daytime working population.
- 2) **Visitor potential** – Does the pub benefit from a popular location, tourist or community activities. Do people drive to it?
- 3) **Competition** – How many pubs are within reasonable walking distance? Does the pub cater for different groups of people than nearest competitors? If not, could it?
- 4) **Flexibility Of The Site** – Is the pub well maintained, have unused areas, buildings or space for expansion? What is its planning history?
- 5) **Parking** – Is it appropriate or can it be extended?
- 6) **Public Transport** – What provision exists in the area – bus, rail, safe walk? Is there a local taxi firm?
- 7) **Multiple Use** – What is the extent of community facilities in the area? If none could the pub incorporate any?
  - **Competition Case Studies** – Are there any successful pubs in the neighbouring areas of similar population density? What are the contributing factors to their success?
  - **The Business Past and Present** – Is the business run by a tenant or manager? Does the pub have local support? Has the pub been managed well in the past? Can this be evidenced by last four years accounts? Have there been recent efforts to ensure viability? e.g. has the pub opened regularly and at convenient hours? Has the focus / theme changed? Does the pub serve food? Has the rent / repair policy undermined viability? Are there any non-standard circumstances relating to local authority business rates? Are there any unclaimed reliefs?
  - **The Sale** – has the pub been advertised for sale? As a going concern? At a realistic competitive price? How many offers have been received? Have valuations been carried out? Has the pub closed for any length of time?



The Test acknowledges that there is a difference between a genuinely unviable business and a business that is badly managed. Whilst CAMRA's Viability Test is not adopted policy it is a useful guide and consideration of the above factors assist in determining the application.

- 6.1.9** In order to evaluate trade potential and demonstrate whether the pub is viable over the long term the applicant has submitted a CAMRA Assessment. Paragraphs 1.5 and 1.6 of the Assessment conclude that The Anchor Inn has limited viability as a public house namely due to availability and offer of alternative pubs within a reasonable walking distance or accessible on public transport; namely The Harry Hotspur, which is situated 0.3 miles from The Anchor Inn on a main thoroughfare into Harlescott offering a variety of facilities including food, Wi-Fi, TV and beer garden in addition to hosting special events such as pub quizzes and live music. In The Steam Wagon also offers similar facilities to The Harry Hotspur and at 0.6 miles is also considered to be within reasonable walking distance. In addition to these competitors a further four pubs are located within a mile of The Anchor Inn, with another four located within 1.7 miles. It is therefore considered that there a number of competitive pubs within a reasonable walking distance or accessible on public transport.
- 6.1.10** The Assessment also concludes that The Anchor Inn has limited viability due to state of repair and the need for refurbishment in order to cater for different groups; the limited potential for passing trade due to its location within a housing estate and failure to diversify due to its locational constraints. The Assessment is considered to provide reasoned justification to demonstrate that The Anchor Inn is not viable in the long term and Officers are of the opinion the demolition meets the tests set out in Core Strategy Policies CS6, CS8 and the NPPF.
- 6.2 Impact on historic and built environment**
- 6.2.1** Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.
- 6.2.2** Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. It also indicates that Local Planning authorities should not refuse planning permission for buildings which promote high levels of sustainability because of concerns about incompatibility with the existing townscape, if those concerns have been mitigated by good design.
- 6.2.3** Shrewsbury Town Council has no objection to the general principle of the scheme but have objected to the three storey element. However, the application has been assessed by the Council's Archaeologist and Conservation & Design Officer in addition to be an assessment from English Heritage due to the location of the Moat which is Scheduled Ancient Monument to the rear or north of the pub. No objection has been raised by any of the historic environment consultees to the development

which the Council's Archaeologist has acknowledged has been designed to limit any additional impacts; with Block 1 located on the site of the existing public house and Block 2 positioned so that the gardens to the rear provide a buffer against the monument. The Council's Archaeologist has noted the Town Council's comments concerning a reduction in the height of Block 1, although they are not of the opinion that this would deliver any significant additional benefits in terms of the setting of the Scheduled Monument. Moreover, the three storey element of the scheme is considered to be in keeping with the scale of existing development in the immediate locality with a three-storey residential block situated directly opposite. Overall there is no objection to the scale or design subject to the attachment of conditions requiring the submission of materials and fenestration details as the scheme is considered compliant with CS6 and CS17.

### **6.3 Impact on natural environment**

**6.3.1** Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This policy would look to preserve important trees and landscaping which provide amenity value to the landscape and local area. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

**6.3.2** The application has been assessed by the Council's Ecologist who has no objection subject to the attachment of conditions and informative(s) in respect of external lighting, bat and bird boxes, measures for protected species, which will ensure that the development protects and enhances the natural environment in accordance with the requirements of CS17.

**6.3.3** The application has also been assessed by the Council's Tree Officer who whilst having imposed a precautionary Tree Preservation Order on tree numbers T6, T7 T8 as shown on arboricultural assessment has no objection in principle, subject to the attachment of conditions requiring the submission of an arboricultural method statement and details of tree protection measures which will ensure that the development protects and enhances the natural environment in accordance with the requirements of CS17.

### **6.4 Impact on residential amenity**

**6.4.1** Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The frontages of the proposed buildings will be sited a minimum of 30 metres from the frontages of the properties opposite on Gloucester Road as such the proposals are not considered to result in any unacceptable level of overlooking or overbearing. Meanwhile the two storey dwellings will be sited a

minimum distance of 15 metres from the rear of properties on York Road. It is acknowledged that these properties would be built on the former pub car park and therefore closer to the neighbouring properties than the existing pub. However at 8 metres to ridge the dwellings with only one small obscurely glazed window in the side facing gable serving bathrooms the proposals are not considered to result in any unacceptable loss of privacy, light or overbearing impact.

## **6.5 Surface water drainage**

**6.5.1** Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application has been assessed by the Council's Flood Risk and Water Management Team who have no objection subject to the attachments of conditions and informative(s) which will ensure compliance with CS18.

## **6.6 Access and parking**

**6.6.1** Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all. Policy T14 Parking Outside the River Loop of the SABC Local Plan is still a saved policy and indicates that all development should provide an appropriate level of vehicle parking to avoid on street parking and increasing traffic problems. The provision of one parking space for a two-bed apartment / dwelling is considered acceptable by the Council's Senior Highways Officer who has no objection subject to the attachment of a condition requiring the construction, surfacing and drainage of the car parking spaces in accordance with a scheme to be submitted to and approved in writing by the LPA prior to the first occupation of the dwellings.

## **7.0 CONCLUSION**

**7.1** The information submitted demonstrates that The Anchor Inn is not viable over the long term due to the availability and offer of alternative pubs within a reasonable walking distance or accessible on public transport; namely The Harry Hotspur and The Steam Wagon; the state of repair, requirement for refurbishment in order to cater for different groups; the limited potential for passing trade due to its location within a housing estate and failure to diversify due to its locational constraints. Whilst the proposal would result in the loss of a community facility, it is not the only community facility in immediate locality (shop and post office with permission to use part of premises as a hot food takeaway), and would not therefore reduce the community's ability to meet its day to day needs or have a significant adverse impact on the quality of life of the current population or future residents of the immediate or surrounding areas. The siting, design and scale of the proposed dwellings and apartments would have no adverse impact on the local or residential amenities including the Scheduled Ancient Monument. Having regard to all the relevant information submitted it is recommended that the proposal should be granted permission subject to the attached conditions.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

### **8.2 Human Rights**

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

### **8.3 Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## **9.0 Financial Implications**

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the

scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

**Central Government Guidance:**

National Planning Policy Framework

**Core Strategy and Saved Policies:**

CS1 – Strategic Approach

CS2 – Shrewsbury Development Strategy

CS6 – Sustainable Design and Development Principles

CS8 – Facilities, Services and Infrastructure Provision

CS9 – Infrastructure Contributions

CS11 – Type and Affordability of Housing

CS13 – Economic Development Enterprise and Employment

CS15 – Town and Rural Centres

CS16 – Tourism, Culture and Leisure

CS17 – Environmental Networks

CS18 – Sustainable Water Management

**SUPPLEMENTARY PLANNING DOCUMENTS**

Type and Affordability of Housing

Sustainable Design (Part 1)

RELEVANT PLANNING HISTORY:

SA/88/0788 Construction of boundary wall/fence, formation of beer garden on existing car park and provision of new doorway. PERCON 4th October 1988

SA/87/0817 Erect and display various externally illuminated signs. PERCON 29th October 1987

SA/80/0441 Alterations and additions to provide an enlarged lounge/bar extension removing existing bow window at the rear and re-use in front lounge extension. PERCON 21st May 1980

SA/96/0190 Extension to provide store adjacent to existing garage. PERCON 4th April 1996

SA/07/1067/F Erection of an external timber covered area with timber decking PERCON 17th August 2007

PREAPP/09/00953 Conversion of existing public house to a single residential building providing 4-5 bedrooms and propose 6 new dwellings within the curtilage of the existing car park. REC

PREAPP/13/00445 Erection of 15 affordable units (9 apartments and 6 houses) following demolition of existing public house PREUDV 22nd October 2013

14/00899/FUL Erection of six houses and one 3-storey apartment block consisting of nine apartments; formation of vehicular access; demolition of existing public house PDE

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
--

Cabinet Member (Portfolio Holder)
-----------------------------------

Cllr M. Price
---------------

Local Member
--------------

Cllr Vernon Bushell
---------------------

Appendices
------------

APPENDIX 1 - Conditions
-------------------------

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. All trees and hedges which are to be retained in accordance with the approved plans shall be protected in accordance with the submitted Tree Protection Plan and in accordance with BS 5837: 2012 'Trees in relation to Design, Demolition and Construction - Recommendations for tree protection'.

The protective fence shall be erected to the satisfaction of the LPA prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenity of the site by protecting trees during the development

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No built development shall commence until samples of all external materials including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The samples required shall include the erection of a sample panel of brickwork, including mortar, of at least 1 metre square, on site for the approval of the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

5. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)  
Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate  
Implementation timetables

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

6. No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

7. Prior to the commencement of any development works an Arboricultural Method Statement (AMS) detailing how this approved road construction works will be carried out and the tree adequately protected during the process shall be submitted to and agreed in writing by the local planning authority.

Reason: The submitted plans indicate that road construction will be in close proximity to the root protection area of the retained trees. To safeguard the amenity of the site by protecting trees during the development

8. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

9. The dwellings hereby approved shall not be first occupied until the car parking areas shown on approved plan have been constructed and surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the parking spaces thereafter shall be kept clear and maintained at all times for that purpose.

Reason: To provide for the parking of vehicles, associated with the development, off the highway in the interests of highway safety.

10. No windows or doors shall be installed on the development without details plans and sections at a scale of 1:20 having been first submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect and enhance the appearance of the building and the area.



11. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

12. Prior to the first occupation of the dwellings details of five woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species

13. Prior to the first occupation of the dwellings details of two woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of nesting opportunities for wild birds

#### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

14. The affordable housing units for rent shall be advertised through the Shropshire Choice Based Letting scheme, and allocated through the Shropshire Housing Allocation Policy and Scheme. The 'Shared Ownership' affordable housing units for sale shall be advertised in the Shropshire Choice Based Letting scheme.

Reason: To ensure that all affordable properties are advertised to local people and that the Shropshire Housing Allocation Policy and Scheme (in combination with any local lettings plan) is applied in allocating the affordable properties for rent.

15. The dwellings hereby approved shall be made available as Affordable Rent Dwellings or Social Rent Dwelling and shall not be let or occupied other than under a tenancy in accordance with the normal letting policy of a registered Provider.

Reason: To ensure compliance with the requirements of Shropshire Core Strategy Policy CS11 to ensure affordability in perpetuity.

16. In addition to the requirements of the Shropshire Affordable Housing Allocation Policy and Scheme, all lettings by Registered Providers shall meet the local connection and/or cascade requirements set out in the Shropshire Type and Affordability of Housing SPD or any policy or guidance that may from time to time replace it.

Reason: To ensure compliance with Shropshire Core Strategy Policy CS11 with regard to local needs and prioritisation for local people.

**Informative(s)**

1. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

2. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and a licenced ecologist should be contacted for advice.

3. Consent is required from the service provider to connect into the foul main sewer.
4. The applicant should consider employing measures such as the following:

- ' Water Butts
- ' Rainwater harvesting system
- ' Greywater recycling system

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

5. The SUDs applicability that the site is classified under according to Shropshire Council's Surface Water Management: Interim Guidance for Developers is infiltration therefore the use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

If soakaways are not feasible, the proposed discharge rate and attenuation volume as stated in the Drainage Appraisal Report are acceptable.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

6. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

7. The alterations to the highway kerbing and footway, required to facilitate vehicular access across the footway for the six houses, shall not commence until the applicant has obtained a Highways Act, Section 184 licence issued by the Highway Authority to undertake the works. Details of how to obtain this licence, the fee charged and the specification for the works are available on the Council's web site.